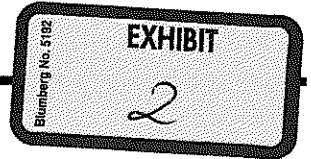


**Hoffman, Howard**



**From:** Hoffman, Howard  
**Sent:** Friday, December 26, 2014 12:46 PM  
**To:** jnpritzker@mpelaw.com  
**Subject:** FW: Paige FLSA Litig; Discovery Issues

Mr. Pritzker,

Do you have some time to talk about this today?

Howard B. Hoffman

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**From:** Hoffman, Howard  
**Sent:** Tuesday, December 23, 2014 5:12 PM  
**To:** jnpritzker@mpelaw.com  
**Subject:** FW: Paige FLSA Litig; Discovery Issues

Mr. Pritzker,

I have not received any productive response from you concerning these issues, other than the production of a personnel file.

Please provide a full and complete response by COB tomorrow.

Thank you,

**Howard B. Hoffman, Esq.**  
Attorney at Law  
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(301) 251-3753 (fax)  
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**From:** Hoffman, Howard  
**Sent:** Wednesday, December 10, 2014 1:36 PM  
**To:** [jnpritzker@mpelaw.com](mailto:jnpritzker@mpelaw.com)  
**Subject:** Paige FLSA Litig; Discovery Issues

Mr. Pritzker,

I am writing regarding the responses I received from the Company.

Interrogatories

- Interr. # 1: This Interrogatory has not been fully and completely answered. For example, we asked for the amount, date and purpose of each deduction from wages. That was not answered. In fact, the entire Interrogatory Answer was generally non-responsive. Defendant did not even identify the day when the Plaintiff began his employment, or what hours were "actually worked for each day and week of work," and the dates and amounts of all payments by Defendants for any purpose. Please amend the response and provide a full and complete answer.
- Interrg. #2: If Defendants claim that Mr. Paige was given "appropriate breaks" and took 2 hours off of work each day to deal with child care, it would seem that all salespersons would have witnessed these events. Please supplement and identify all salespersons for the relevant time of Mr. Paige's employment.
- Interrg. #3: There must be documents that substantiate and provide some evidence of the deductions taken from Mr. Paige's wages. Please amend the response and provide a full and complete answer.
- Interrg. #4: Mr. Paige worked for Berman's for four years as a salesperson. Your answer insultingly states that he spent 10% of his time performing sales. So what duties did he otherwise perform the other 90% of the time. Please amend the response and provide a full and complete answer.
- Interrg. #12: This interrogatory asks that Defendants describe "in detail" the pay plan or arrangements that Defendant had with Plaintiff concerning Plaintiff's compensation, from beginning of employment to the end. Your client's response was not in any detail at all, simply stating that Paige was paid a draw against commissions. Also, this answer is not responsive with respect to ALL of Paige's employment. Please amend the response and provide a full and complete answer.
- Interrg. #16: This interrogatory requested information between Defendant and Plaintiff concerning the events of the lawsuit. Your response was that Plaintiff received communications from me, and that he failed to opt into a lawsuit. Not only is this non-responsive, but it is inaccurate and highly insulting. Please amend the response and provide a full and complete answer.
- Interrg. #17: This interrogatory was not fully answered. For example, who are the witnesses to these statements? Please amend the response and provide a full and complete answer.
- Interrg. #18: Defendant was asked to describe any rule violations by Plaintiff (you have a "sic" after the word "content" – but my interrogatories state "contend" and spell it correctly). Your contend that Plaintiff stopped selling cars and was insubordinate. We would expect that Defendant provide greater information, as the interrogatory requested that Defendant "explain[] how the Plaintiff violated" these rules.
- Interrg. #22: Please provide the home addresses of Chuck and Richard Berman.
- Interrg. #23: Please amend your response and describe when compensation plans were changed, as requested, rather than indicate that the compensation plan for the Plaintiff changed "from time to time."

Req for Production of Documents

- Req. # 1: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #2: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?

- Req. #3: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #5: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #6: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #8: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #10: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #11: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office? I have not received the cashed checks and I have not received documents justifying the numerous deductions from Paige's pay,
- Req. #12: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #13: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #14: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #16: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #17: **These are the documents concerning the deductions from pay.** I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #19: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #20: This request seeks complaints about unpaid wages. You refused to produce anything other than "adverse findings." Further, you indicated that Defendant has not been able to discover same. Discovery is not limited to adverse findings and this response is not sufficient. Please amend your response and produce these documents, or provide information concerning each occurrence and what steps have been taken to locate these documents.
- Req. #22: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req #23: **This request is really critical, because it involves how the compensation was calculated for the Plaintiff, including the deductions from his pay.** I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?
- Req. #25: Please produce all deposition transcripts involving Berman's Auto in any lawsuit filed by a current or former employee.
- Req. #26: Please produce the requested complaints concerning wages, or withdraw any claim that any FLSA violation was not willful.
- Req. #27: When do you think that you will have these files?
- Req. #28: I have not received these documents as part of your scan. Are you withholding documents and requiring me to travel to your office?

I have not received even the most minimal of documents for 2011.

Please respond at your earliest convenience.

**Howard B. Hoffman, Esq.**

Attorney at Law

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